



PATENT  
ATTORNEY DOCKET NO.: 44921-5124 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**MAIL STOP PATENT APPLICATION**

U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby Room 1B03  
Arlington, VA 22202

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b) for:

Inventor(s): Arthur Castle  
Brandon Higgs  
Michael Elashoff  
Mark Porter

For: NUCLEIC ACID DETECTION ASSAY CONTROL GENES

1. This is a new ☒ Utility ☐ Design ☐ Plant patent application.

2. The papers enclosed to obtain a filing date are as follows:

32 Pages of Specification including  
07 Pages of Claims  
01 Page(s) of Abstract

3. Combined Declaration and Power of Attorney

☐ Enclosed and is executed by all inventors.  
☒ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of the time  
set for filing the Declaration and paying the filing fees.

## 4. Language

☒ English☐ Non-English

This application is being filed in accordance with 37 C.F.R. § 1.52(d) and § 608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

## 5. Assignment

☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

☒ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed

Certified copy(ies): ☐ is/are attached. ☐ will follow.

## 7. Priority based on provisional application(s) - 35 U.S.C. § 119(e)

☐ Priority of the following provisional application(s) is claimed:

Application No.	Filed
60/396,145	July 17, 2002

## A. Relate Back - 35 U.S.C. § 119(e)

- [ ] Amend the specification by inserting before the first line the sentence:  
 "This application claims priority of copending provisional application(s)  
 No. \_\_\_\_\_ filed on \_\_\_\_\_."

## 8. Small entity status

- [X] Applicants qualify as a small business concern as defined in 37 CFR 1.27 (a)(1) through (a)(3), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code.

## 9. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$750.00 Design \$330.00
Total Claims (37 C.F.R. § 1.16(c))	56 - 20 =	36	\$ 18.00 each=	+ \$648.00
Independent Claims (37 C.F.R. § 1.16(b))	5 - 3 =	2	\$ 18.00 each=	+ 168.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$270.00	+
<b>SUB-TOTAL =</b>				<b>\$1,566.00</b>
<b>Reduction by 1/2 for filing by a small entity</b>				<b>- \$ 783.00</b>
<b>TOTAL FILING FEE =</b>				<b>\$</b>

## 10. Fee Payment

- [X] Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**  
 This application is being filed under the provisions of 37 C.F.R. § 1.53(f).  
 Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.



11. [X] **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

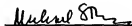
12. Additional papers enclosed:

- [ ] Preliminary Amendment
- [ ] Information Disclosure Statement
- [ ] Form PTO-1449, \_\_\_\_\_ references included
- [ ] Declaration of Biological Deposit
- [ ] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
\_\_\_\_\_  
Michael S. Tuscan  
Reg. No. 43,210

Dated: **July 17, 2003**

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